

REMARKS

Claims 25-38 have been rejected under 35 U.S.C. 102(b) as being anticipated by Keith. Applicant respectfully disagrees with this rejection.

First, the Keith reference lacks connectors with opposite ends embedded in the concrete layers. According to the American Heritage Dictionary, “embedded” means to enclose snugly or firmly. Applicant has amended the claims to make it even more clear that the ends must be surrounded by concrete, but Applicant also contends that “embedded” alone clearly requires the opposite ends to be surrounded by concrete. The Keith reference discloses connectors that completely pass through the concrete layers. See Figure 3 of Keith, reference numeral 20. Because of the fact that the Keith connectors pass completely through the concrete layers, the Keith patent does not anticipate the claimed invention. Withdrawal of this rejection is respectfully requested.

The Keith invention does describe other connectors that reside entirely within the space between the forms. See Col. 4, line 66 -Col. 5, line 21. The Keith patent indicates that the Keith connectors can be used in conjunction with these other connectors. The Keith patent itself thus makes a very clear distinction between the Keith invention and connectors, like Applicant’s claimed invention, that are embedded in the concrete.

Further, Applicant disputes the examiner’s assertion that the Keith connector is inherently capable of transferring forces throughout the wall. The Keith connectors are simply form connectors; they tie the two sides of the form together. In fact, the title of the invention is specifically states that these are connectors “USED TO RETAIN FORMS”. Applicant’s connectors do not connect the sides of the form together; they exist completely within the concrete sandwich in order to transfer forces. The Keith form tie connectors are not capable of transferring forces between layers, and nothing in the Keith patent makes this suggestion.

In addition, element 18 of the Keith invention is not a “web” as claimed by Applicant. The Dictionary of Architecture and Construction defines web as “the portion of a truss or girder between the chords or flanges whose principal function is to resist shear on the span.” The thickness 18 in Keith cannot be considered a web, as used in the art and based on this standard dictionary definition of web.

Applicant also disputes the examiner's statements that the Keith wall is composite in the same sense that is described and claimed by Applicant. In Keith, the term composite is clearly used in the sense that two or more materials are brought and held together. In Applicant's invention, the composite nature of the invention is structurally composite, meaning that the connectors make the two concrete layers separated by insulation act as one layer in resisting loads. See Application page 9, lines 15-18 for this definition of composite.

Applicant has amended claims 27 and 32 to make it clear that the lip is premolded. The Keith invention cannot meet this requirement. For example, in Fig.3 of Keith, the connector 20 could not be placed to hold the forms if the lip 30 was premolded, because the connector could not be inserted with the lip 30 in place. One of skill in the art knows that the lip 30 would have to be placed after insertion. Applicant's lip is premolded, and because the connector exists entirely between the forms, there is not an issue with the lip interfering with insertion. Reversal of this refusal is respectfully requested.

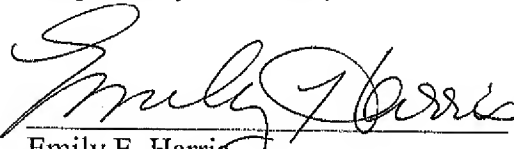
Finally, Applicant requests clarification regarding where the examiner has found longitudinally extending portions running from end to end, laterally spaced and separated by an internal web. The office action indicates that these portions appear in Fig. 1D, top side 12 and bottom side opposite to top 12, and that the web is 18. As best Applicant can tell, the Examiner is referring to 12 on top and on bottom of the connector. Reference numeral 12, from the top side to the bottom side does not run end to end, and do not extend longitudinally. Applicant respectfully requests a more detailed explanation of how reference numeral 12 runs longitudinally from end to end, is laterally spaced, and separated by web 18.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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Emily E. Harris

Registration No. 56,201
DAVIS, BROWN, KOEHN,
SHORS & ROBERTS, P.C.
666 Walnut St., Suite 2500
Des Moines, Iowa 50309
Telephone: (515) 288-2500

ATTORNEYS FOR APPLICANT